

APPROVED MINUTES

**BOARD OF PHYSICAL THERAPY
MEETING MINUTES**

The Virginia Board of Physical Therapy met on Friday, February 15, 2008 at the Department of Health Professions, 9960 Mayland Drive, 2nd Floor, Conference Room #4, Richmond, Virginia. The following members were present:

George Maihafer, Ph.D, P.T.
Maureen E. Lyons, P.T.
Peggy H. Belmont, P.T.
Damien Howell, P.T.
Robert Izzo, P.T.
J.R. Locke
Lorraine C. Quinn, P.T.A.

DHP staff present for all or part of the meeting included:

Lisa R. Hahn, Executive Director
Sandra Whitley Ryals, Director
Elaine Yeatts, Senior Policy Analyst
Annie B. Artis, Licensure Operations Manager
Rashaun K. Minor, Discipline Operations Manager

Representatives from the Office of the Attorney General were present for the meeting:

Amy Marschean, Senior Assistant Attorney General

Guests present for all or part of the meeting included:

W. Gayle Garnett, P.T., Rockingham Memorial Hospital
Judy Jenkins, P.T., Rockingham Memorial Hospital
Ann Furniss, Legislative Liaison, Acupuncture Society of Virginia
Lisa Shoaf, P.T., Virginia Physical Therapy Association
Neal Kauder, President, Visual Research, Inc.
Kim Langston, Visual Research, Inc.
John Miller, Virginia Physical Therapy Association

CALLED TO ORDER

Dr. Maihafer, Chair, called the board meeting to order at 9:10 a.m.

ORDERING OF THE AGENDA

Ms. Ryals, Agency Director, was added to the agenda following public comment.

PUBLIC COMMENT PERIOD

Ms. Shoaf informed the Board that at the last meeting of the Virginia Physical Therapy Association (VPTA) there was discussion regarding conducting a re-entry survey of physical therapists that are no longer licensed. The VPTA would like to have surveys sent out to inquire if physical therapists are interested in returning to the workforce. Ms. Shoaf also stated that VPTA is considering developing refresher courses to help encourage individuals to return.

Ms. Garnett stated she would like the Board to consider the ramifications of recertification for direct access and the burden that the process would place on licensees. Dr. Maihafer informed Ms. Garnett that the public comment period had ended for Direct Access.

AGENCY DIRECTOR

Ms. Ryals informed the Board of the budget status. She stated that even though the Department of Health Professions is a non-general fund agency and the cuts do not involve tax dollars; this does not exempt our agency from restrictions in spending. Ms. Ryals stated the restrictions will be felt mostly in the area of travel; however, in-state non-discretionary travel will not be affected; only out-of-state travel. Therefore, attending conferences that involve out-of-state travel will probably be denied. She further stated that all vacant positions must be approved by the Secretary before they can be filled.

Ms. Ryals commended Ms. Hahn for taking on additional responsibilities, especially in overseeing the compliance study. She stated Ms. Hahn's expertise stemming from her criminal justice background led to a thorough and expeditious analysis of the compliance division and has resulted in a successful re-deployment.

Ms. Ryals also explained that Ms. Hahn has now taken on a fourth board, the Board of Funeral Directors and Embalmers; this is a position which Ms. Hahn has held in the past. Ms. Ryals thanked Ms. Hahn and staff for assuming the responsibility for this board.

ACCEPTANCE OF MINUTES

Legislative/Regulatory Committee Meeting – October 26, 2007

Upon a motion by Mr. Howell and seconded by Ms. Belmont the Board voted to approve the October 26, 2007 Legislative/Regulatory committee meeting minutes.

The members voting 'yes' were Ms. Belmont, Mr. Howell, Mr. Izzo, Mr. Locke, Ms. Lyons, Dr. Maihafer, and Ms. Quinn. There were no negative votes. The vote passed unanimously.

Board Meeting – October 26, 2007

Upon a motion by Mr. Howell and seconded by Ms. Belmont the Board voted to approve the October 26, 2007 Board meeting minutes with amendments.

The members voting 'yes' were Ms. Belmont, Mr. Howell, Mr. Izzo, Mr. Locke, Ms. Lyons, Dr. Maihafer, and Ms. Quinn. There were no negative votes. The vote passed unanimously.

Joint Committee Meeting with members of the Advisory Board on Acupuncture – November 30, 2007

Upon a motion by Mr. Howell and seconded by Ms. Lyons the Board voted to approve the November 30, 2007 Committee meeting minutes.

The members voting 'yes' were Ms. Belmont, Mr. Howell, Mr. Izzo, Mr. Locke, Ms. Lyons, Dr. Maihafer, and Ms. Quinn. There were no negative votes. The vote passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

Report on Direct Access Applications

Ms. Hahn informed the Board that staff has approved twelve direct access applications and three applications are pending. The certificates are effective April 29, 2008 with an expiration date of December 31, 2010.

Case Decision Review Sheet

Ms. Hahn informed the Board that the case review sheet has been updated to include descriptions of options when reviewing cases. She applauded the board members for reviewing cases and returning the decisions in such an expeditious manner. The board members commented that they were pleased with the new form and liked the fact that cases were being sent to them electronically.

Licensee Statistics

Licensed Physical Therapists

Ms. Hahn reported there are currently 4,994 active licensed physical therapists and 1,928 physical therapist assistants for a total of 6,922 licensees.

Disciplinary Statistics

Ms. Hahn stated there are currently 19 disciplinary open cases; 16 are at the investigative stage, 2 are at probable cause and one is at the formal hearing level. Ms. Hahn stated that our standard to complete cases at probable level is 60 days. Last year our board completed 8 out of 15 cases within 82 days. She stated she was pleased to announce that this quarter we have met the goal at 100% by completing cases within 10 days.

Virginia Performs

Ms. Hahn reported for the quarter ending in December, 2007, that we have met and exceeded our goal with 100% rating for issuing licenses in less than 30 days. We also met and exceeded our customer satisfaction rating by 100% and lastly we have achieved a 100% rating for patient care cases closed within 250 days.

Ms. Ryals stated that the agency standard for closing patient care cases was 250 days. She further stated the numbers this Board has achieved is huge because the agency goal has been set at 90% by the end of 2009. Ms. Ryals stated the Board of Physical is the first to meet the 90% goal and to exceed it to 100%.

Budget

Revenue and Expenditures

Ms. Hahn reported that the cash balance for expenditures as of June 30, 2007 was \$425,926 and total revenues were \$45,460. The direct and allocated expenditures were \$162,622 and the ending cash balance at the close of December 31, 2007 was \$308,765.

2008 Calendar

Ms. Hahn presented a calendar of meetings scheduled for the rest of the year. The next meeting is scheduled for April 25, 2008. Meetings have also been scheduled for August 22, 2008, and November 7, 2008.

Board Administrative Workshop – April 8-9, 2008

Ms. Hahn stated that the Federation of State Boards of Physical Therapy will hold a board administrative workshop on April 8-9, 2008. She stated she would like to attend on behalf of the board. Ms. Hahn stated she would like to become more involved with the Federation.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Establishing Sanction Reference

Mr. Kauder stated he was hired approximately ten years ago by the Department of Health Professions to conduct an ADHOC performance study. He gave the Board an overview of the sanction reference study. Mr. Kauder outlined the steps and processes that are involved with conducting the study. He also gave the Board a tentative timeline involved with the completion of the study.

Break

The Board recessed at 10:15 a.m. and reconvened at 10:40 a.m.

Citizen Advocacy Center Conference – October, 2007

Mr. Locke gave a brief report on the Citizen Advocacy Center Conference which was held in Seattle, WA, in October, 2007. He stated the 2007 conference had the largest attendance since its inception. Mr. Locke stated there was discussion in regard to enhancing sexual misconduct rules, sanctions and medical records procurement.

Board of Health Professions Meeting – February 6, 2008

Mr. Howell gave a brief report regarding the Board of Health Professions meeting that was held on February 6, 2008. He stated the areas of discussion included medical interpreters, orthopedic technicians, othotists and prosthetists. He stated there was also discussion regarding the sanction reference study.

Guidance Document on Dry Needling – 112-9

Dr. Maihafer gave an overview of Guidance Document 112-9 on dry needling.

Upon a motion by Mr. Howell and seconded by Ms. Belmont the Board voted to adopt the guidance document on dry needling striking the word “orthopedic” in the last paragraph.

Dry needling is a technique used in ~~orthopedic~~ physical therapy practice to treat trigger points in muscles. You should understand that this dry needling technique should not be confused with a complete acupuncture treatment performed by a licensed acupuncturist. A completed acupuncture treatment might yield a holistic benefit not available through a limited dry needling treatment.

The members voting ‘yes’ were Ms. Belmont, Mr. Howell, Mr. Izzo, Mr. Locke, Dr. Maihafer and Ms. Quinn. The member voting ‘no’ was Ms. Lyons. The vote passed by a majority of 6 to 1.

Legislative Report

Ms. Yeatts gave a report of the 2008 General Assembly and briefly discussed each bill in the senate, house, and joint commission.

Regulatory Report

Approve Proposed Direct Access Regulations

Ms. Yeatts disseminated additional public comments to the Board that were received during public comment period but were not included in the agenda packets. She requested that the board review the public comment received.

Ms. Yeatts stated the emergency regulations regarding direct access went into effect on November 2, 2008. She recommended that the board review each section of the regulations.

18VAC112-20-81(A)(B). Requirements for Direct Access Certification

Upon a motion by Mr. Howell and seconded by Ms. Lyons the board voted to adopt the sections as written.

The members voting ‘yes’ were Ms. Belmont, Mr. Howell, Mr. Izzo, Mr. Locke, Dr. Maihafer, Ms. Lyons and Ms. Quinn. The vote passed unanimously.

18VAC112-20-90. General Responsibilities

Upon a motion by Ms. Belmont and seconded by Ms. Lyons the Board voted to adopt the section as written.

The members voting 'yes' were Ms. Belmont, Mr. Howell, Mr. Izzo, Mr. Locke, Dr. Maihafer, Ms. Lyons and Ms. Quinn. The voted passed unanimously.

18VAC112-20-130. Biennial Renewal of License and Certification

Upon a motion by Mr. Howell and seconded by Ms. Lyons the Board voted to adopt the section as written.

The members voting 'yes' were Mr. Howell, Mr. Izzo, Mr. Locke, Ms. Lyons, Dr. Maihafer and Ms. Quinn. The member voting 'no' was Ms. Belmont. The vote passed by a majority of 6 to 1.

18VAC112-20-131(I). Continued Competency Requirements for Renewal of an Active License

Upon a motion by Mr. Howell and seconded by Ms. Lyons the Board voted to adopt the section as written.

After discussion, an amendment was recommended as follows:

- I. Physical therapists holding certification to provide direct access without a referral shall include four contact hours in courses related to direct access as part of the required 30 contact hours of continuing education.*

Upon an amended motion by Ms. Quinn and seconded by Mr. Howell the Board voted to adopt the section as amended.

The members voting 'yes' were Ms. Belmont, Mr. Howell, Mr. Izzo, Mr. Locke, Ms. Lyons, Dr. Maihafer, and Ms. Quinn. There were no negative votes. The vote passed unanimously.

18VAC112-20-150(F). Fees

Upon a motion by Ms. Belmont and seconded by Ms. Lyons the Board voted to consider reducing application and renewal fees.

Upon an amended motion by Ms. Belmont and seconded by Dr. Maihafer the Board voted to reduce the application fee to \$50 and the renewal fee to \$25.

The members voting 'yes' were Ms. Belmont and Dr. Maihafer. The members voting 'no' were Mr. Howell, Mr. Izzo, Mr. Locke, Ms. Lyons and Ms. Quinn. The vote failed 2-5.

Upon a motion by Ms. Lyons and seconded by Mr. Locke the Board voted to reduce the application fee to \$75 and the renewal fee to \$35.

The members voting 'yes' were Ms. Belmont, Mr. Howell, Mr. Izzo, Mr. Locke, Ms. Lyons, Dr. Maihafer, and Ms. Quinn. There were no negative votes. The voted passed unanimously.

The Board voted to adopt the Direct Access regulations as amended.

Licensure by Endorsement (18VAC112-20-65)

Foreign Credentialing Commission on Physical Therapy (FCCPT) Concern

Ms. Hahn spoke to the Board concerning an issue Ms. Lindeblad, Managing Director, with the Foreign Credentialing Commission on Physical Therapy, has in regard to our endorsement regulations relative to applicants who have practiced in Canada and have been allowed to be accepted in the State of Virginia in lieu of meeting our educational requirements. Ms. Hahn explained that 18VAC112-20-65 includes Canada under Licensure by endorsement but does not believe it allows for waiver of the educational requirements.

Upon a motion by Dr. Maihafer and seconded by Ms. Lyons the Board voted to direct staff regarding 18VAC112-20-65 to allow for waiver of education requirements only for those applicants who have five years of clinical practice issued by a U.S. jurisdiction.

The members voting 'yes' were Ms. Belmont, Mr. Howell, Mr. Izzo, Mr. Locke, Ms. Lyons, Dr. Maihafer and Ms. Quinn. There were no negative votes. The vote passed unanimously.

Virginia Physical Therapy Association (VPTA) Re-Entry Survey

The Board discussed the VPTA re-entry survey form. The Virginia Physical Therapy Association has drafted a proposed survey form to be sent out electronically to physical therapists that have left the workforce.

Other Business

Ms. Hahn congratulated Dr. Maihafer on receiving the Scott Sullivan Leadership Award. This award recognizes one who has provided leadership in multiple ways to the VPTA.

Ms. Belmont commended Ms. Hahn and staff for doing an excellent job.

ADJOURNMENT

With all business concluded, upon a motion by Mr. Howell and seconded by Mr. Locke the meeting was adjourned at 12:40 p.m.

George Maihafer, Ph.D., PT.
Chair

Lisa R. Hahn
Executive Director

Date

Date